7676/SYNX/JW

PATENTS

REMARKS

Claims 1 to 89 are pending in the present application. Claims 1 to 89 stand provisionally rejected under the doctrine of non-statutory obviousness-type double patenting in view of Claims 17 to 20 of commonly owned, co-pending Application No. US 20040081546Al and, additionally, in view of Claims 1, 13, 23, 26, 28, and 30 of commonly owned, co-pending Application No. US 20040062633Al. Applicants respectfully traverse the Examiner's provisional rejections. In addition, Applicants respectfully assert that the Examiner's rejections are improper and should be withdrawn.

Both published Application No. US 20040081546A1 and published Application No. US 20040062633A1 were filed on August 28, 2003, and both claim priority to respective provisional applications filed on August 31, 2002. Applicants' present application was also filed on August 28, 2003 and claims priority to a provisional application filed on August 31, 2002. Thus, the two relied upon published applications are not prior art relative to Applicants' present application. Further, Applicants respectfully note that a terminal disclaimer would serve no purpose since all three applications were filed on the same date and have the same priority date.

7676/SYNX/JW

PATENTS

The Applicants believe all the claims to be in condition for allowance, and respectfully request withdrawal of the rejections and reconsideration and allowance of the claims.

A separate request for a two-month Extension of Time is being filed herewith along with authorization to charge Deposit Account No. 04-1696 in the amount of \$450.00. However, if an additional Extension of Time is required to make this response timely, please accept this sentence as such a request and charge Deposit Account No. 04-1696 the requisite fee. Applicants do not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 04-1696. The Applicant encourages the Examiner to telephone Applicant's attorney should any issues remain.

Respectfully Submitted,

Brian M. Dugan, Egg.
Registration No. 41,720
Dugan & Dugan, PC
Attorneys for Applicants
(914)332-9081

Dated:

ii/7/05
Tarrytown, New York